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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,453	03/24/2006	Kevin Williams	10682001 IUSWO	2415
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EXAMINER				
PLUMMER, ELIZABETH A				
ART UNIT		PAPER NUMBER		
3635				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,453

Applicant(s)

WILLIAMS ET AL.

Examiner

ELIZABETH A. PLUMMER

Art Unit

3635

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/06/2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 10-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamlyn (US Patent 6,018,924).

a. Regarding claim 1, Tamlyn discloses an elongate joining member (10) for bridging a gap between a first and at least a second panel (Fig.), each panel having a first surface and an opposed second surface, the joining member (10) comprising a flange member (20), an extension member (44) extending from said flange and at least one resilient retaining member (26) connected to said extension member (Fig.), and inherently having a first biased configuration relative to said extension member, said at least one resilient retain member being

movable between said first biased configuration and a second different configuration (because it is made of plastic column 3, line 65), said at least one resilient retaining member is insertable into said gap between the first and at least second panels, and further wherein when the at least one resilient retaining member is moved beyond said gap it resiliently returns at least towards said first biased configuration relative to the extension member such that it engages at least a portion of the second surface of each panel and wherein the flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially bridges the gap between the first and at least second panels (Fig.).

b. Regarding claim 2, the flange member (20) comprises a main body defined on one side by a first surface for engaging said at least a portion of the first surface of both the first and second panels (Fig.) and a second opposing side that presents an outward appearance of the joining member (Fig.).

c. Regarding claim 3, the flange member is inherently movable from a first configuration to a second configuration (because it is made of plastic, column 3, line 65).

d. Regarding claim 5, the extension member (40) is relatively straight and extends from a proximal end adjacent the flange to a distal end (Fig.).

e. Regarding claim 10, the member is made entirely from a resiliently flexible material (column 3, line 65).

- f. Regarding claim 11, the resilient retaining member (26) includes a single leg member connected to the extension member (Fig.).
- g. Regarding claim 12, Tamlyn discloses a panel assembly (Fig.) comprising at least two panels (14,48), each having a first surface, a second opposed surface and side walls (Fig.), said at least two panels arranged relative to one another such that a sidewall of one panel and a sidewall of a second panel define a gap therebetween (Fig.), said gap bridged by an elongate joining member (10) comprising a flange member (20), an extension member (44) extending from said flange member and at least one resilient retaining member (26) (inherently resilient because it is made of plastic column 3, line 65) connected to said extension member and having a first biased configuration relative to said extension member, said at least one resilient retaining member being moveable between said first configuration and a second different configuration, and wherein in said second configuration resilient retaining member is insertable into said gap, and further wherein when the at least one resilient retaining member (26) is moved beyond said gap it resiliently returns at least towards said first biased configuration relative to the extension member such that it engages at least a portion of the second surface of each panel (Fig.) and wherein said flange (20) engages at least a portion of the first surface of each panel (Fig.) such that said flange member (20) substantially bridges the gap between the first and at least second panels (Fig.).

- h. Regarding claim 14, Tamlyn discloses an elongate joining member (10) for bridging a gap between a first and at least a second panel (Fig.), each panel having a first surface and an opposed second surface, the joining member (10) comprising a flange member (20), and at least two resilient extension members (44) which extend from a first end connected to said flange to a second free end (Fig.), each resilient extension member further comprising at least one resilient retaining member (26) positioned at or adjacent to the second end (Fig.) and wherein said at least one resilient retain member being movable between a first biased configuration and a second different configuration (because it is made of plastic column 3, line 65), said at least two resilient extension members are insertable into said gap between the first and at least second panels, and further wherein when the resilient retaining members are moved beyond said gap it resiliently returns at least towards said first biased configuration relative to the extension member such that it engages at least a portion of the second surface of each panel and wherein the flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially bridges the gap between the first and at least second panels (Fig.).
4. Claims 1-4 and 6-9 rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (JP 06185129).

- a. Regarding claim 1, Yamaoto discloses an elongate joining member (11) for bridging a gap between a first and at least a second panel (1) (Fig. 2,6), each panel having a first surface and an opposed second surface, the joining member

(11) comprising a flange member (13), an extension member (16) extending from said flange and at least one resilient retaining member (21) connected to said extension member (Fig. 3,6,9), and having a first biased configuration relative to said extension member, said at least one resilient retain member being movable between said first biased configuration and a second different configuration (abstract), said at least one resilient retaining member is insertable into said gap between the first and at least second panels (abstract; Fig. 3), and further wherein when the at least one resilient retaining member is moved beyond said gap it resiliently returns at least towards said first biased configuration relative to the extension member such that it engages at least a portion of the second surface of each panel (Fig. 6) and wherein the flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially bridges the gap between the first and at least second panels (abstract).

b. Regarding claim 2, the flange member (13) comprises a main body defined on one side by a first surface for engaging said at least a portion of the first surface of both the first and second panels and a second opposing side that presents an outward appearance of the joining member (Fig. 6).

c. Regarding claim 3, the flange member is movable from a first configuration to a second configuration (abstract; Fig. 3,4,6).

d. Regarding claim 4, the flange member is movable between a substantially domed configuration to a substantially flat configuration (Fig. 2,3,6) and wherein,

in the second substantially flat configuration, the first surface of the flange member is substantially flush with the two panels (Fig. 6).

e. Regarding claim 6, at least one resilient retaining member (21) comprising first and second leg members each connected to and disposed at an angle relative to the extension member (Fig. 3).

f. Regarding claim 7, in the first configuration the first and second leg members extend from a first end that is connected to the extension member to a second end that is spaced from the extension member (Fig. 3).

g. Regarding claim 8, the second end of the first leg member is engageable with the second surface of the first panel and the second end of the second leg member is engageable with the second surface of the second panel (Fig. 6).

h. Regarding claim 9, the second end of the first and second leg members include a grooved face (Fig. 6) to engage the second surface of the panels.

Response to Arguments

5. Applicant's arguments with respect to claims 1-12 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH A. PLUMMER whose telephone number is (571)272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/E. A. P./
Examiner, Art Unit 3635